

CHAPTER NO. 835

HOUSE BILL NO. 2311

By Representative Garrett

Substituted for: Senate Bill No. 2478

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Section 4-3-1304; Section 62-21-104; Title 63, Chapter 1; Title 68, Chapter 201, Part 1; Section 68-211-111 and Section 69-3-104, relative to vacancies on certain boards and commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304, is amended by designating the existing language as subsection (a) and by adding the following new subsections thereto:

(b) Each regulatory board incurring a vacancy shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the state regulatory boards attached to the division of regulatory boards shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If such sufficient information has been provided and such board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration such board shall report to the House and Senate Government Operations Committees why such vacancies have not been filled.

(c) If more than one-half (1/2) of the positions on any state regulatory board are vacant for more than one hundred eighty (180) consecutive days, such state regulatory board shall terminate, provided that such board shall wind up its affairs pursuant to § 4-29-112. If a state regulatory board is terminated pursuant to this subsection it shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing a state regulatory board.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new section thereto, as follows:

Section _____. (a) Each board, commission, committee, agency or other governmental entity created pursuant to this title incurring a vacancy shall notify the appointing authority in writing within ninety (90) days after the vacancy. All vacancies, other than ex officio members, on any board, commission, committee, agency or other governmental entity created pursuant to this title shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If sufficient information has been provided and a board, commission, committee, agency or other governmental entity created pursuant to this title has more than one (1) vacancy that is more than one hundred eighty (180) days in duration such board shall report to the House and Senate Government Operations Committees why such vacancies have not been filled.

(b) If more than one-half (1/2) of the positions on any board, commission, committee, agency or other governmental entity created pursuant to this title are vacant for more than one hundred eighty (180) consecutive days, such board, commission, committee, agency or other governmental entity shall terminate, provided that such board, commission, committee, agency or other governmental entity shall wind up its affairs pursuant to § 4-29-112. If a board, commission, committee, agency or other governmental entity created pursuant to this title is terminated pursuant to this subsection it shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing a board, commission, committee, agency or other governmental entity created pursuant to this title.

SECTION 3. Tennessee Code Annotated, Section 62-21-104(b)(1), is amended by adding the following language to the end thereto:

If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs and shall provide a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the appointing authority to make an informed decision. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, such board shall report to the House and Senate Government Operations Committees why such vacancies have not been filled.

If more than one-half (1/2) of the positions on the board are vacant for more than one hundred eighty (180) consecutive days, the board shall terminate, provided that such board shall wind up its affairs pursuant to § 4-29-112. The board that is terminated pursuant to this subsection shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing the board. This subsection shall only apply if the Governor is authorized to make appointments to at least one-half (1/2) of the positions on such board.

SECTION 4. Tennessee Code Annotated, Section 68-201-105, is amended by adding a new subsection thereto, as follows:

() (1) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If such sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, such board shall report to the House and Senate Government Operations Committees why such vacancies have not been filled.

(2) If more than one-half (1/2) of the positions on the board are vacant for more than one hundred eighty (180) consecutive days, the board shall terminate, provided that such board shall wind up its affairs pursuant to § 4-29-

112. If the board is terminated pursuant to this subsection it shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing the board.

SECTION 5. Tennessee Code Annotated, Section 68-211-111(c), is amended by designating the existing language as subdivision (c)(1) and by adding the following new subdivisions thereto:

(c)(2) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If such sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration such board shall report to the House and Senate government Operations Committees why such vacancies have not been filled.

(3) If more than one-half (1/2) of the positions on the board are vacant for more than one hundred eighty (180) consecutive days, the board shall terminate, provided that such board shall wind up its affairs pursuant to § 4-29-112. A board that is terminated pursuant to this subsection shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing the board.

SECTION 6. Tennessee Code Annotated, Section 69-3-104, is amended by adding a new subsection thereto, as follows:

() (1) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If such sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, such board shall report to the House and Senate Government Operations Committees why such vacancies have not been filled.

(c) If more than one-half (1/2) of the positions on the board are vacant for more than one hundred eighty (180) consecutive days, the board shall terminate, provided that such board shall wind up its affairs pursuant to § 4-29-112. If the board is terminated pursuant to this subsection it shall be reviewed by the evaluation committees pursuant to Title 4, Chapter 5, before ceasing all its activities. Nothing in this section shall prohibit the General Assembly from continuing, restructuring, or re-establishing the board.

SECTION 7. The provisions of this act shall not change any procedure, manner, or time which members of the Tennessee Motor Vehicle Commission who are selected from a list of qualified persons submitted by motor vehicle manufacturers licensed in Tennessee or their consumer replacements are appointed pursuant to Tennessee Code Annotated, Section 55-17-103.


SECTION 8. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: May 17, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2000


DON SUNDQUIST, GOVERNOR